

REMARKS

The Decision on Appeal has stated that the rejection of Claims 1-2, 4-13, 17-18, 20-29, 33-35, 38-40, 42 and 44 under 35 U.S.C. 102(e) as being anticipated by Grupe et al. (U.S. Publication No. 2002/0194212), the rejection of Claims 3, 19, 36, 41 and 43 under 35 U.S.C. 103(a) as being unpatentable over Grupe in view of Zuta (International Publication No. WO 98/45778), and the rejection of Claim 37 under 35 U.S.C. 103(a) as being unpatentable over Grupe in view of in view of Snavely (Snavely, Allan; Tullsen, Dean. Symbiotic Jobscheduling for a Simultaneous Multithreading Processor. Published in the Proceedings of ASPLOS IX. November 2000), have been affirmed.

In response to the affirmation of the rejections under 35 U.S.C. 102(e) and 35 U.S.C. 103(a), applicant has amended the independent claims to further distinguish applicant's claim language from the relevant references relied upon by the Examiner.

Applicant has amended the independent claims as follows:

“indicating a location of the data to a scanning co-processor” (emphasis added).

Applicant respectfully asserts that Grupe teaches “transfer[ring] data to be scanned from a source computer to a scanning computer” where “[t]he scanning computer then scans the data and creates a log file identifying portions of the data that have predetermined characteristics indicating a particular specified content” (Paragraph [0009] – emphasis added). However, transferring data to be scanned from a source computer to a scanning computer, as in Grupe, simply fails to even suggest “indicating a location of the data to a scanning co-processor” (emphasis added), as currently claimed by applicant.

Further, applicant has amended the independent claims as follows:

“wherein the scanning co-processor is capable of performing an additional scan on the additional data while scanning the data.”

Applicant respectfully asserts that Grupe teaches that “[t]he scanning computer then scans the copied files for predetermined characteristics indicative of a banned file or a virus” such that “[a]ny files detected containing such characteristics are identified and details of these files are written to a log file” (Paragraph [0034]). Further, in Fig. 4, Grupe illustrates checking for additional files in the log, such that if there are still additional files, the files are then scanned. Therefore, Grupe’s teaching of checking for additional files and then scanning the additional files simply fails to specifically suggest applicant’s claimed technique “wherein the scanning co-processor is capable of performing an additional scan on the additional data while scanning the data” (emphasis added), as currently claimed by applicant.

In addition, applicant has amended the independent claims as follows:

“wherein the location of the data indicated to the scanning co-processor includes a memory location of the data stored in memory, where the memory is separate from and coupled to the scanning co-processor and the central processing unit via a bus that employs direct memory access.”

Applicant respectfully asserts that Grupe teaches “transfer[ring] data to be scanned from a source computer to a scanning computer” where “[t]he scanning computer then scans the data and creates a log file identifying portions of the data that have predetermined characteristics indicating a particular specified content” (Paragraph [0009] – emphasis added). Further, Grupe teaches that “all of the files from volume A of the main computer are copied to a scanning computer” and that “[t]he scanning computer then scans the copied files for predetermined characteristics indicative of a banned file or a virus” (Paragraph [0034] – emphasis added). Additionally, Grupe teaches that “[t]he PC on a card 218 may comprise its own essentially independent computer with its own

working memory, CPU and other control circuitry that can co-operate with the other elements in FIG. 5 via the system bus 216” (Paragraph [0038] – emphasis added).

However, transferring data to be scanned from a source computer to a scanning computer, copying all of the files from the main computer to the scanning computer, in addition to a PC on a card that may comprise its own independent computer with its own working memory, as in Grupe, simply fails to suggest applicant’s claimed technique “wherein the location of the data indicated to the scanning co-processor includes a memory location of the data stored in memory, where the memory is separate from and coupled to the scanning co-processor and the central processing unit via a bus that employs direct memory access” (emphasis added), as currently claimed by applicant. Clearly, transferring data and copying all the files to the scanning computer, as in Grupe, simply fails to even suggest “a memory location of the data stored in memory... separate from and coupled to the scanning co-processor and the central processing unit” (emphasis added), as currently claimed by applicant.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the above reference excerpt(s), as noted above. Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The

Commissioner is authorized to charge any additional fees or credit any overpayment to  
Deposit Account No. 50-1351 (Order No. NAI1P014).

Respectfully submitted,  
Zilka-Kotab, PC

/KEVINZILKA/

Kevin J. Zilka  
Registration No. 41,429

P.O. Box 721120  
San Jose, CA 95172-1120  
408-505-5100